

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF DELAWARE

AMGEN INC.,)	
)	
Plaintiff,)	
)	Civ. No. 16-853-MSG
v.)	CONSOLIDATED
)	
AMNEAL PHARMACEUTICALS LLC,)	
et al.,)	
)	
Defendants.)	
)	

**NON-PARTY TEVA PHARMACEUTICALS USA, INC., WATSON LABORATORIES,
INC., AND ACTAVIS PHARMA, INC.'S
MOTION TO FILE TRIAL EXHIBITS UNDER SEAL**

Pursuant to D.I. 673, non-parties Teva Pharmaceuticals USA, Inc., Watson Laboratories, Inc., and Actavis Pharma, Inc. (collectively, “Teva”), by and through their undersigned counsel, respectfully submit this motion (the “Motion”) to file certain trial exhibits under seal and, in support of the Motion, state as follows:

1. On April 28, 2021, the Court ordered that “[m]otions to seal any trial exhibits shall be filed by May 28, 2021.” D.I. 673.

2. On May 7, 2021, Amgen Inc. (“Amgen”) notified Teva that the following materials or information that Teva produced in this action may have been admitted into evidence as trial exhibits:

- a. PTX616;
- b. PTX830;
- c. PSR-068;
- d. PSR-066;
- e. PSR-067;

- f. PSR-108; and
- g. PTX662.

3. Although courts “recognize a common law right to inspect and to copy judicial records and documents, the right is not absolute.” *Littlejohn v. Bic Corp.*, 851 F.2d 673, 677-78 (3d Cir. 1988). For example, courts may deny access where judicial records contain business records that may harm the party’s competitive standing in the marketplace. *Id.* at 678; *see also Mars, Inc. v. JCM Am. Corp.*, 2007 WL 496816, at *2 (D.N.J. Feb. 13, 2007).

4. Here, PTX830, PSR-068, PSR-066, PSR-067, PSR-108, and PTX662 reflect Highly Confidential material related to Teva’s marketing and/or sale of certain pharmaceutical products, including the terms of confidential agreements between Teva and its distributors. Good cause thus exists for the filing of the foregoing documents under seal.

5. With respect to PSR-108 and PTX662, Amgen indicated that these exhibits cite to and/or reflect information from a Teva-produced document bearing bates number TEVA_SUBPOENA_0000531. The document bearing bates number TEVA_SUBPOENA_0000531 contains Highly Confidential material related to Teva’s sale of certain pharmaceutical products. Teva therefore moves to seal PSR-108 and PTX662 on this basis.

6. Accordingly, Teva respectfully requests the entry of an Order, substantially in the form submitted herewith (the “Proposed Order”) directing that exhibits PTX830, PSR-068, PSR-066, PSR-067, PSR-108, and PTX662 be filed under seal, and not be made available to any other entity or person, absent Court Order, apart from this Court and counsel of record in the above-captioned litigation.

Respectfully submitted,

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